

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JANICE M. LAWRENCE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 03-12610-WGY
	)	
AVAYA INC.,	)	
	)	
Defendant.	)	
	)	

**SECOND JOINT MOTION TO EXTEND SCHEDULING ORDER DEADLINES**

The plaintiff, Janice M. Lawrence (the "Plaintiff"), and the defendant, Avaya Inc. ("Avaya") (together, the "Parties"), hereby jointly move to extend the Scheduling Order deadlines in the above-captioned matter. Specifically, the Parties request that (1) this Court extend the Rule 56 motion deadline from January 5, 2005 to March 9, 2005; and (2) this Court extend the dates for the Final Pretrial Conference and Jury Trial as necessary. As grounds for this motion, the Parties respectfully state as follows:

1. The Complaint was filed on December 29, 2004. Avaya filed its Answer on April 13, 2004.
2. On October 15, 2004, the Parties filed a Joint Motion for Extension of Time to Complete Discovery. On October 21, 2004, the Court granted the Joint Motion and set the following deadlines: (1) completion of discovery by December 3, 2004; and (2) Rule 56 motions filed by January 5, 2005.

3. Since the Court's extension of these deadlines and the completion of discovery in early December, the Parties have engaged in good faith, but unsuccessful negotiations aimed at settling the case.

4. The Parties have now agreed to mediate the case. On December 9, 2004, this Court assigned the mediation to Magistrate Judge Charles B. Swartwood. The Parties have scheduled the mediation for January 20, 2005, two weeks after the current deadline for Rule 56 motions.

5. In order to preserve their rights in the event that the mediation fails to resolve the case, the Parties respectfully request that (1) this Court extend the Rule 56 motion deadline from January 5, 2005 to March 9, 2005; and (2) this Court extend the dates for the Final Pretrial Conference and Jury Trial as necessary.

WHEREFORE, the Parties respectfully request that this Court enter an Order amending the Scheduling Order as set forth above.

Respectfully submitted,

JANICE M. LAWRENCE

AVAYA INC.

By her attorney,

By its attorneys,

/s/ Daniel Rice  
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December 24, 2004